

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEMEZZ HAMILTON,
Plaintiff,

-against-

ENTERPRISE HOLDINGS INC., et al.,
Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 03/09/2023

22-CV-10860 (PGG) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court is in receipt of plaintiff Demezz Hamilton's application to proceed to mandatory mediation without the assistance of *pro bono* counsel. (Dkt. 13.) The application is premature. Because plaintiff is proceeding *in forma pauperis* (Dkt. 3), it is the responsibility of the U.S. Marshals Service (USMS) to effect service of process on the defendants. Summonses were issued on January 30, 2023. (Dkt. 9.) Pursuant to Fed. R. Civ. P. 4(m), the USMS has until March 23, 2023 to effect service. That period may be extended if necessary.

Since defendants are not yet served, plaintiff's application to proceed to mediation *pro se* is DENIED, without prejudice to renewal. If, by the time that service has been effected, plaintiff has not been matched with *pro bono* counsel, he may renew his application.

Dated: New York, New York
March 9, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge